

Claim 52 (new): The deck system of Claim 1, wherein a facing support member is connected to said deck support means and said second facing means is attached to said facing support member.

Remarks/Arguments

The Applicant hereby responds to the Office Action of January 5, 2004. The Applicant also requests the entry of the amendments to the claims as proposed above. The amendments place the claims in a form for allowance as described below.

As amended, the independent Claims 1 and 33 are plainly distinguishable from the deck of Miles. Miles describes a deck system for an aircraft carrier and teaches the use of a metal top surface. Miles describes metal panels that cover the top plywood planks of the deck, the metal panels hooking around the sides of the top plywood planks of the deck to prevent aircraft tailhooks from catching on the edges of the metal panels, Col. 2, lines 44-46. In the present Application, the top surface of the deck is not covered with metal facing. Instead, the top surface is a walking surface formed of floor members formed from composite material, and the first facing is a metal facing applied to cover the side walls of the outer edge, but not extending into the top surface of the deck. A second facing, independent of the first facing, is applied to cover a portion of the deck support means underneath the floor members. Miles does not teach or even suggest two independent facing elements such as these, neither of them extended into the top surface of the deck.

Further, in Miles, at Col. 3, lines 40-44, the deck is described as having, in addition to top metal panels, layers of plywood planks “supported by and adhesively bonded to a flight deck substructure such as steel pan 4.” In the most recent Office Action, the Examiner describes the steel pan as a second metal facing for the wood panels of the deck. Yet, this steel pan 4 is described in Miles not as a facing for the deck panels, but as a part of the steel subdeck of the aircraft carrier. At Col. 4, lines 3-6, the Miles patent indicates that the plywood laminate structure of the deck “as a whole is supported by the subdeck of the carrier, this deck usually being in the illustrated form having its steel pan 4 supported at intervals by I-beams 11.” See also Col. 3, lines 40-44. The steel pan 4 extends horizontally (it does not cover the side of the deck) and its function is to support the upper deck as part of the steel subdeck. The deck system of the present Application does not have a metal panel or facing under the deck floor members, or as a part of the deck support means. The underlying steel pan of Miles is completely inapposite to the deck system of the present Application.

Burhts is referenced to show that composite materials have been well known and that it would have been obvious to combine the composite materials of Burhts with Miles. But, Burhts is not a proper reference because the filing date of Burhts is March 3, 2000, and the present Application claims priority from two provisional applications of the Applicant (having serial numbers of 60/180,050 and 60/183,902) with earlier filing dates of February 3, 2000 and February 22, 2000. In addition, the composite materials of Burhts would not be substituted into the aircraft carrier deck of Miles. As noted in Miles, an aircraft carrier deck is subject to heavy impacts and wear of high speed aircraft landings and takeoffs. Natural wood and plywood

formed in layered sheets or panels provide flexibility and a capacity to bend in response to bending of overlaying metals panels when aircraft land on the carrier's top surface. The composite material floor members of Burhts (and the present Application) would not be substituted for plywood panels of Miles, because they would break or fracture under such high impacts. While such composite materials can support foot traffic on residential and commercial decks, they never would be a suitable substitute for the plywood panels of Miles.

Moreover, Miles teaches a metal top surface, not the use of a composite material such as a wood composite on the top surface. Burhts does not teach the use of a metal top surface like that of Miles as a walking surface on a residential or commercial deck. Indeed, the top metal surface of Miles is attached by a hooking arrangement around the sides of the top plywood panels. It is hard to see how this arrangement, to prevent aircraft tailhooks from catching in the edges of the metal panels, see Miles, at Col. 2, lines 44-46, would have any relevance to residential or commercial deck construction, since a metal top surface is never used in such construction and accordingly there is no need for a hooking arrangement to be used to hold metal panels on the top of a residential or commercial deck surface. The combination of the teachings of Miles and Burhts would not be a logical combination, and certainly not reasonably contemplated by those in the fields of aircraft carrier deck construction, or residential or commercial deck construction. Further, neither Miles or Burhts suggests in any way the double facing for the outer edge of the deck and the deck support means or the combination of the double facing with a top surface of composite deck floor members of the present Application.

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As currently amended, Claims 1 and 33 are highly distinguishable from Miles and Burhts and the combination of the two is not logical, and the rejection on the basis of 35 U.S.C. § 103 does not lie.

Claims 5-8, 10-11 and 17 are also in a form for allowance, since they all now depend from Claim 1.

Claims 34-35 and Claim 37 depend from Claim 33 and are in a form for allowance because they depend from an allowable base claim.

It is respectfully submitted that Claims 38-45, and 47-48, and new claims 49-52, which each now depend from one of either Claim 1 and Claim 33, are all in a form for allowance, because they depend from an allowable base claim.

Applicant respectfully requests that the amendments above be entered and the claims allowed.

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Applicant is enclosing a check in the amount of \$475.00, to cover the three month extension of time. The Commissioner is hereby authorized to charge any additional fees to the Holme Roberts & Owen, LLP deposit account no. 08-2665.

Respectfully Submitted,
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